

**Introduced by Senator Corbett**January 18, 2013

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An act to add Article 2 (commencing with Section 69540) to Chapter 5 of Title 8 of the Government Code, relating to courts.

## LEGISLATIVE COUNSEL'S DIGEST

SB 123, as introduced, Corbett. Environmental and Land-Use Court.

Existing law establishes a statewide system of courts with a superior court of one or more judges in each county. Existing law requires the presiding judge of each superior court to distribute the business of the court among the judges, and to prescribe the order of business, subject to the rules of the Judicial Council.

This bill would require the presiding judge of each superior court to establish an environmental and land-use division within the court to process civil proceedings brought pursuant to the California Environmental Quality Act or in specified subject areas, including air quality, biological resources, climate change, hazards and hazardous materials, land use planning, and water quality. The bill would require the Judicial Council, by rule of court, to identify statutes in those specified areas that would be within the jurisdiction of the environmental and land-use court division. The bill would require the Judicial Council, by rule of court, to establish appropriate standards and protocols for the environmental and land-use court division to accomplish the objectives of consistency, expediency, and expertise, including educational requirements and other qualifications for specialized judges assigned to the division.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 2 (commencing with Section 69540) is  
2 added to Chapter 5 of Title 8 of the Government Code, to read:

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Article 2. Environmental and Land-Use Court

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6 69540. (a) The Legislature finds and declares all of the  
7 following:

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9 (1) According to the World Resources Institute report entitled,  
10 “Greening Justice: Creating and Improving Environmental Courts  
11 and Tribunals” (2009), the number of courts and tribunals  
12 specializing in environmental issues doubled during the past  
13 decade, prompted by increasingly complex regulations and growing  
14 concerns about natural resources.

15 (2) Environmental issues are often complex and fragmented,  
16 and conflicting aspects of environmental management and  
17 protection have made it difficult for governments, developers,  
18 communities, and advocacy groups to achieve consistent and  
19 long-range sustainable development. This has resulted in pressures  
20 to streamline and rationalize the adjudication and enforcement  
21 process and increase access to justice around the world.

22 (3) California’s environmental and land-use court cases should  
23 be decided by specialized judges trained in environmental and  
24 land-use law, and whose decisions would be documented and  
25 published. It is important that the judicial selection process be  
26 unbiased.

27 (4) The creation of an environmental and land-use court can  
28 maximize both judicial competence and the speed of  
29 decisionmaking, allowing litigants to have their cases heard and  
30 an effective remedy delivered quickly. The court should hear the  
31 case in the county in which the case arose.

32 (b) Accordingly, it is the intent of the Legislature to establish  
33 an environmental and land-use division within each superior court  
34 to expedite civil proceedings within the jurisdiction of the division,  
35 with more consistent rulings and better outcomes for all parties of  
36 interest.

37 69542. (a) The presiding judge of each superior court shall  
38 establish an environmental and land-use division within the court  
to process all civil proceedings subject to this article. The Chief

1 Justice of California may direct the consolidation of two or more  
2 superior courts in contiguous counties into a single environmental  
3 and land-use division, which may convene at the various court  
4 facilities within the participating counties as deemed appropriate,  
5 with consideration given to the convenience of access of the parties.

6 (b) Both of the following shall be subject to this article:

7 (1) A civil proceeding brought pursuant to the California  
8 Environmental Quality Act (Division 13 (commencing with Section  
9 21000) of the Public Resources Code).

10 (2) A civil proceeding brought in any of the following subject  
11 areas:

12 (A) Air quality.

13 (B) Biological resources.

14 (C) Climate change.

15 (D) Hazards and hazardous materials.

16 (E) Land use planning.

17 (F) Water quality.

18 (c) The Judicial Council shall, by rule of court, identify those  
19 statutes within the subject areas identified in paragraph (2) of  
20 subdivision (b) that are within the jurisdiction of the environmental  
21 and land-use court division.

22 69544. The Judicial Council shall, by rule of court, establish  
23 appropriate standards and protocols for the environmental and  
24 land-use court division to accomplish the objectives of consistency,  
25 expediency, and expertise identified in Section 69540, including  
26 educational requirements and other qualifications for specialized  
27 judges assigned to the division.